

REMARKS

Claims 1-16 and 20-36 are pending in this application and stand rejected. Claims 1, 14, 20 and 30 are amended. No new matter is being introduced.

The drawings on file were objected to. New formal drawings are enclosed.

The Examiner rejected claims 1, 2, 8-16, 20, 21, 27-31 and 36 under 35 U.S.C. § 102(a) as being anticipated by Shimada et al (Shimada).

Claim 1 as amended recites:

A method of optimizing the delivery of content data from a web server to a client device, said method comprising:

1. A method of optimizing the delivery of content data from a web server to a client device, said method comprising:
 - storing a plurality of files, including files containing non-optional content data and optional content data;
 - receiving a request for content data from a client device;
 - determining performance characteristics of the client device;
 - selecting one of the plurality of stored files for providing to the client device;
 - automatically including from the selected file the non-optional content data, and automatically selecting optional content data responsive to the performance characteristics of the requesting client device; and
 - transmitting the selected file, including the non-optional content data and the selected optional content data to the requesting client device..

The claimed invention enables optimized delivery of content by selecting optional content best suited for performance characteristics of the requesting device and including it along with non-optional content in response to requests for content. Shimada does not teach, suggest or disclose the claimed invention. Shimada is directed to scaling media, e.g., images and video, in order to shorten transfer time for those objects. For example, according to Shimada, a Media Scaling Server (MSS) detects a Virtual URL (VURL) in a request from a browser, retrieves a media object from the server, scales it, and then returns it to the browser. Shimada does not automatically select optional content data responsive to performance criteria of the client device as claimed. Instead, Shimada scales, i.e. reprocesses media files and

substitutes the scaled media files for the original files. This scaling is not the selection of optional information. In contrast, the claimed invention selectively includes optional data in addition to non-optional data. Accordingly, Shimada does not anticipate the invention of claim 1, and claim 1 is therefore patentable over Shimada. Dependent claims 2-13 are also patentable over Shimada, both because they depend from patentable claim 1, and because each recites its own patentable features. Independent claims 14, 20 and 30, and their respective dependent claims 15-16, 21-29 and 31-35, respectively, are also patentable over Shimada for reasons analogous to claim 1.

Claim 36 is also patentable over Shimada. Claim 36 recites:

A method of optimizing the delivery of content data from a web server to a client device, wherein the content data is comprised of content items, optimization constraints are associated with each content item, the optimization constraints index classes of client devices, and wherein each class of client device has different performance characteristics, the method comprising:

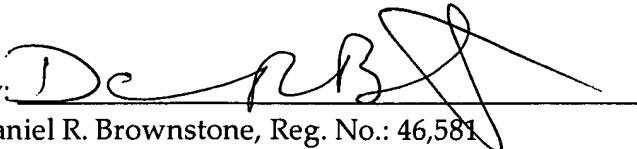
- receiving a request for content data from the client device;
- determining a class of device to which the requesting client device belongs responsive to the performance characteristics of the requesting client device;
- assigning the requesting client device an optimization constraint responsive to the determined class of client device;
- selecting one of a plurality of content items responsive to the assigned optimization constraint; and
- transmitting the selected optional content to the client device.

Contrary to the Examiner's assertion, Shimada makes no mention of optimization constraints that index classes of client devices. The step of "determining a class of device to which the requesting client device belongs", for example, is therefore not found anywhere in Shimada; nor is the concept of "assigning the requesting client device an optimization constraint responsive to the determined class of client device." Because at least these two features of claim 36 are not present in or suggested by in Shimada, claim 36 is patentable over Shimada.

In view of the above Amendments and these Remarks, the Examiner is asked to withdraw the rejection of the pending claims, and issue a speedy Notice of Allowance. If any matters remain outstanding prior to allowance of the claims, the Examiner is invited to contact the undersigned attorney at (415) 875-2358 or via e-mail at dbrownstone@fenwick.com. Applicant acknowledges that a copy of any electronic mail communications will be made of record in the application file per MPEP § 502.03.

Respectfully submitted,
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